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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20540**

FILE: B-190732

DATE: April 17, 1978

MATTER OF: Frank J. Hester, PHD.

**DIGEST:**

Agency determination that "technical proposal" was unacceptable is sustained, since proposal did not indicate how job would be done and offeror only submitted resume of personal qualifications which failed to demonstrate necessary background in statistics required by RFP.

Frank J. Hester, PHD., protests the award by the Department of Commerce, National Oceanic and Atmospheric Administration, Northwest Administrative Service Office (NOAA), under request for proposals (RFP) No. NASSO-7-35257. A cost-plus-fixed-fee contract was awarded to Living Marine Resources, Inc. (LMR), for the development and implementation of a fishery statistical and information system for the Central and Western Pacific.

The RFP required each offeror to submit a "descriptive proposal" to include the following information:

- (1) a proposal of necessary key personnel; and
- (2) a cost proposal specifying a budget for certain pairings of the six contract objectives outlined in the RFP.

The RFP informed all prospective offerors that award was to be made to the responsible offeror whose offer conforming to the RFP would be most advantageous to the Government, price and other factors considered. Offerors were further cautioned to submit an initial offer that was the most favorable that could be submitted from a price and technical standpoint because of the possibility that an award would be made based on initial offers received.

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After reviewing the 43 proposals submitted in response to the RFP, NOAA determined that the LMR offer was the most advantageous to the Government. A contract was awarded to LMR on September 28, 1977. Earlier on the same day, Dr. Hester telephoned the NOAA procurement office and requested information regarding the status of the procurement. He was then verbally informed that his proposal had been rejected because it did not demonstrate a statistical background.

On October 6, 1977, Dr. Hester again called the procurement Office--this time to ascertain the amount of the contract awarded to LMR. He was specifically informed that LMR's technical proposal and cost estimate were acceptable to the Government. Dr. Hester was then told that LMR's cost estimate was \$33,453 including the fixed fee. Dr. Hester responded by stating that when he telephoned on September 28, he was not too concerned about the rejection of his proposal. Now that he knew the estimated amount of LMR's award, however, he stated he wanted to protest. He was urged to initially seek resolution with the contracting officer.

By letter dated October 7, 1977, Dr. Hester submitted a written protest to the contracting officer. Dr. Hester contended that NOAA's assessment regarding his experience with fishery statistical systems was incorrect. He further argued that the assessment had to have been the result of a "hasty review" because a more thorough review would have shown familiarity with statistics in view of the positions he had held.

Finally, Dr. Hester alleged that, because his previous experience would permit him to perform the work required by the RFP in much less time than that set forth by the Government in Amendment No. 1 to the RFP, his proposal if it had been accepted by the Government would have resulted in a savings of more than \$20,000. The Government's total cost estimate was approximately \$21,000. The total cost estimate submitted by Dr. Hester was \$9,988.14. Dr. Hester, therefore, concluded the letter by indicating that he would not be protesting the award to LMR had the price difference not been "so glaringly great" and had the rejection of his offer been on "firm grounds."

The contracting officer, in a letter dated November 1, 1977, and received by Dr. Hester on November 7, 1977, denied the protest. The contracting officer's reasons for denial were: (1) Dr. Hester's offer did fail to show a knowledge of statistical and information processing systems essential to the contract work proposed by the RFP; and (2) the level of effort given in Dr. Hester's cost proposal, 296 man-hours, fell far short of the 693 man-hours anticipated by the Government in the amended RFP. Consequently, the contracting officer informed Dr. Hester that rejection of his proposal had been proper and that no award could have been made to him.

By a letter dated November 14, 1977, and timely received by us on November 21, 1977, Dr. Hester instituted a protest with this Office. Essentially, Dr. Hester urges that he was in fact qualified to do all the work required by the RFP and that he could have accomplished the work in less time than estimated by the Government, thus substantially lowering the cost to the Government.

In order to be considered for an award, an offeror must submit a proposal which is technically acceptable. 53 Comp. Gen. 1 (1973). Furthermore, an agency evaluation that a proposal is technically unacceptable will not be found unreasonable by us merely because the protester does not agree with it. See Kaman Sciences Corporation, B-190143, February 10, 1978, 78-1 CPD 117. On the record before us, we find no support whatever for Dr. Hester's belief that NOAA improperly evaluated his proposal.

At the outset, it should be noted that Dr. Hester did not submit an actual detailed technical proposal. Instead, he submitted a resume of his personal qualifications and a cost proposal. NOAA concluded that, based on what had been submitted, Dr. Hester did not completely comprehend the total nature of the project contemplated in the RFP. In addition, NOAA concluded that he did not possess the necessary scientific disciplines to successfully perform the contract if it were to be awarded to him. NOAA awarded a contract to LMR because its experience in fisheries and fishery management statistics greatly exceeded that of the other offerors and also because its proposal indicated an ability to handle certain key objectives set forth in the RFP.

NOAA points out that nowhere in Dr. Hester's resume/proposal is there any indication of competence in statistics. The protester argues that his resume which outlined his 17 years as a fishery biologist and a laboratory director shows that he had certain qualifications to hold the positions listed in the resume. According to Dr. Hester, one of these qualifications is a background in statistics and a corresponding knowledge of information processing systems. Dr. Hester alleges that this qualification requirement which is necessary in order to be a laboratory director or fishery biologist is well known in the National Marine Fisheries Service.

We believe, however, that the foregoing rebuttal to the agency's evaluation of the technical proposal is in general argumentative terms and does not establish that the determination of technical unacceptability was without a reasonable basis. Whether Dr. Hester does in fact have a statistical background, the resume which he submitted to NOAA in lieu of submitting a technical proposal fails to reveal any such background.

Dr. Hester also alleges that his resume received a hasty review because NOAA did not consider the implications regarding his qualifications that supposedly flowed from the jobs that he listed as having held. The contracting agency, however, is in the best position to judge how much time and effort must be invested in the evaluation and selection process. Applicable law and regulations do not prescribe any specific amount of time that must be spent. Joseph Legat Architects, B-187160, December 13, 1977, 77-2 CPD 458.

In summary, we do not find Dr. Hester's specific objections to NOAA's evaluation of his resume to be meritorious. We agree with NOAA's overall conclusion that Dr. Hester merely indicated that he would do the job without in any way saying how. Since we agree that Dr. Hester's resume was a technically unacceptable proposal, it is unnecessary to discuss whether the agency should have put more weight on cost and whether his extremely low cost estimate was reasonable. Cf. 53 Comp. Gen. supra.

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Accordingly, the protest is denied.

*R. F. Kistler*  
Deputy Comptroller General  
of the United States